

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**September 6, 2011**

The Tippecanoe County Commissioners met on Tuesday, September 6, 2011 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President David Byers, Vice President Thomas P. Murtaugh, and Commissioner John L. Knochel. Also present were: Attorney Doug Masson, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Kay Muse.

President Byers called the meeting to order and led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

- Commissioner Murtaugh moved to approve the minutes of the August 15, 2011 meeting, second by Commissioner Knochel; motion carried.

**PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS**

- Commissioner Murtaugh moved to approve the accounts payable vouchers for August 16, 19, 25, 26, 31, and September 1, 2, and 6, 2011 with no exceptions, second by Commissioner Knochel; motion carried.

**AWARDS OF QUOTES FOR CARY HOME SMALL PROJECTS**

- Commissioner Murtaugh moved to approve the quotes for small projects at Cary Home in the amounts of \$4,320 to TriTech for the concrete; \$6,500 to Clayton Construction for the carpentry; and \$6,000 to TriTech for the canopy; with the amount totaling \$16,820 for the complete project, second by Commissioner Knochel; motion carried.

**APPROVAL OF CONTRACT WITH SHAMBAUGH & SONS, INC.**

- Commissioner Murtaugh moved to approve the contract with Shambaugh & Sons for the jail air handler in the amount of \$198,500, second by Commissioner Knochel; motion carried.

**APPROVAL OF CONTRACT WITH TECTON FOR FAIRGROUNDS ELECTRICAL UPGRADE**

President Byers stated the air conditioning units in the Home Economics and Agriculture buildings are extremely old and not big enough, so there is a need to do an entire evaluation of the electrical layout. The contract with Tecton is \$8,030 and will be paid from the donation funds that are in place for fairground projects.

- Commissioner Murtaugh moved to approve the contract with Tecton for fairgrounds electrical upgrade, second by Commissioner Knochel; motion carried.

**APPROVAL OF CHANGE ORDER FOR LIMESTONE PROJECT AT COURTHOUSE**  
**Resolution 2011-22-CM-Emergency Change Order for Courthouse Repairs**

Steve Haben with Kettlehut Construction spoke about the emergency repairs that are needed on the limestone at the courthouse. He stated there would be safety issues if the repairs were not completed before the first frost. Due to the urgent need, they are unable to conduct a normal bidding as it will take longer to do so and the repairs would not be completed in time. The sub-contractor chosen for the work is Brody Campbell. Attorney Luhman stated that Resolution 2011-22-CM for Emergency Change Order for Courthouse Repairs to the limestone façade constituting a safety hazard which must be remedied

before freezing weather causes further deterioration of the limestone. He stated that normal bidding procedures would take six to eight weeks and the project would not be able to be completed before the frost came. The limestone has already started to deteriorate and with the first frost coming the deterioration will continue, causing a safety hazard to the public.

- Commissioner Murtaugh moved to approve Resolution 2011-22-CM Emergency Change Order for Courthouse Repairs limestone project, second by Commissioner Knochel; motion carried.

***AREA PLAN COMMISSION- Sallie Fahey***

**Ordinance 2011-19-CM – Rezone Z-2461 Bethel Christian Church (R1 to GB)**

(See September 19, 2011 minutes. Ordinance 2011-19-CM should be recorded as 2011-21-CM.)

- Commissioner Murtaugh moved to hear Ordinance 2011-19-CM, Rezone Z-2461 Bethel Christian Church (R1 to GB), second by Commissioner Knochel; motion carried.

(quote)

August 18, 2011  
Ref. No.: 11-260

Tippecanoe County Commissioners  
20 North 3<sup>rd</sup> Street  
Lafayette, IN 47901

**CERTIFICATION**

**RE: Z-2461-- BETHEL CHRISTIAN LIFE CENTER, INC. c/o CLIFTON IVY (R1 to GB):**

Petitioner is requesting rezoning of 19.914 acres located at 2541 McCormick Road (temporary address) which will be the future southeastern corner of US 231 and Cumberland Avenue, extended, in Wabash 11 (NE) 23-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 17, 2011 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from R1 to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their September 6, 2011 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey  
Executive Director

(unquote)

Attorney Joseph Bumbleburg spoke on behalf of Bethel Christian Church. He stated his client would like to rezone the property from R1 to GB. They have received a favorable vote from the Area Plan Commission and they would not be violating any kind of planning.

Commissioner Byers asked for public comments on the rezone. There were none.

Auditor Weston recorded the vote:

|          |     |
|----------|-----|
| Byers    | Yes |
| Knochel  | Yes |
| Murtaugh | Yes |

Ordinance 2011-19-CM passed 3-0.

**Ordinance 2011-20-CM – Rezone Z-2462 REL Enterprises, LLC (I3 to R1)**

- Commissioner Murtaugh moved to hear Ordinance 2011-20-CM, Rezone Z-2462 REL Enterprises, LLC (I3 to R1), second by Commissioner Knochel; motion carried.

(quote)

August 18, 2011  
 Ref. No.: 11-261  
 Tippecanoe County Commissioners  
 20 North 3<sup>rd</sup> Street  
 Lafayette, IN 47901

**CERTIFICATION**

**RE: Z-2462--REL ENTERPRISES, LLC (I3 to R1):**

Petitioner is requesting rezoning of 8.022 acres located on the north side of CR 450 S, east of Woodland Elementary, more specifically 3525 E. 450 S, in Wea 14 (NE) 22-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 17, 2011 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from I3 to R1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their September 6, 2011 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey  
Executive Director

(unquote)

Attorney Daniel Teder spoke on behalf of REL Enterprises, LLC (Bob Rohrman family). He stated that his client is requesting to rezone 8.022 acres located on the north side of CR 450 S. east of Woodland Elementary School, adding to over 60 acres they currently own. He stated that his client would like to rezone the property from I3 to R1. They have received a favorable vote from the Area Plan Commission 12-0.

Commissioner Byers asked for public comments on the rezone. There were none.

Auditor Weston recorded the vote:

|          |     |
|----------|-----|
| Byers    | Yes |
| Knochel  | Yes |
| Murtaugh | Yes |

Ordinance 2011-20-CM passed 3-0.

#### **Small and Rural Transportation Planning Assistance Program (Grant)**

Director Sallie Fahey requested the approval of \$33,400 to be managed by the Auditor for the second fiscal year. She states that the Auditor has already set up a new fund, Fund 404, to handle this grant.

- Commissioner Murtaugh moved to approve the Small and Rural Transportation Planning Assistance Program Grant, second by Commissioner Knochel; motion carried.

#### ***HIGHWAY – Opal Kuhl***

##### **Change Order #1 from Rieth-Riley Construction Co., Inc. for the CR 50 South East Leg Project**

Director Opal Kuhl presented Change Order #1 from Rieth-Riley Construction Co., Inc. for the CR 50 South East Leg project. She stated that there were soft spots in the road so geogrid and stone had to be added to strengthen the road. Due to this issue, an additional \$23,227.72 was needed, bringing the total contracted amount to \$475,446.72.

- Commissioner Murtaugh moved to approve Change Order #1 from Rieth-Riley for CR 50 South East Leg for the amount of \$23,227.72, second by Commissioner Knochel; motion carried.

##### **Change Order #6 from Rieth-Riley Construction Co., Inc. for the Tyler Road Project**

Director Opal Kuhl presented Change Order #6 from Rieth-Riley Construction Co., Inc. for the Tyler Road project in the amount of \$4,872.80. She stated they have had to remove an additional tree and make some adjustments in the patching. Including this change order, the total contracted amount is \$1,421,905.64. This is a Highway Safety Improvement Program (HSIP) project; County Highway pays 10% and the Federal portion is 90%.

- Commissioner Murtaugh moved to approve Change Order #6 from Rieth-Riley for the Tyler Road Project for the amount of \$4,872.80, second by Commissioner Knochel; motion carried

### **3 Year Construction Maintenance Bond from Atlas Excavating, Inc.**

Director Opal Kuhl presented a \$5,000 maintenance bond from Atlas Excavating, Inc. for McCormick Road. This is for the work they did boring under the McCormick Road water line.

- Commissioner Murtaugh moved to approve the 3 year construction maintenance bond from Atlas Excavating in the amount of \$5,000, second by Commissioner Knochel; motion carried.

### **Grant of Right-of-Way for Parcel 5 - CR 800 North**

Director Opal Kuhl stated that Gentry Farms is transferring the Right-of-Ways to the County. The road is owned by Gentry Farms, but used as a public road and work needs to be done such as, cleaning out the ditches and chip seal. There is no exchange of money for this parcel; it was a donation.

- Commissioner Murtaugh moved to approve the Grant of Right-of-Way for Parcel 5 for the CR 800 North project, second by Commissioner Knochel; motion carried.

### **Grant of Right-of-Way for Parcel 4 - CR 800 North**

Director Opal Kuhl stated this property is owned by the North American Wild Life Park. There is no exchange of money for this parcel; it was a donation.

- Commissioner Murtaugh moved to approve the Grant of Right-of-Way for Parcel 4 for the CR 800 North project, second by Commissioner Knochel; motion carried.

### ***PUBLIC DEFENDER - Amy Hutchinson***

Public Defender Amy Hutchinson requested a Chief Deputy Public Defender position be created. She stated that this person would have supervision responsibilities and a salary that is set by the Public Defender Commission. The person hired for this position would also carry a case load. She explained to the board, that if the position was approved she would then come back to request the elimination of a full time attorney's position. She presented the salary at \$84,798 and explained that it would be an increase of \$30,000 over the current position, but with \$12,000 coming back from reimbursement, the net cost to the county would actually be \$18,000.

- Commissioner Murtaugh moved to approve the request for the Chief Deputy Public Defender, second by Commissioner Knochel; motion carried.

### ***GRANTS - Laurie Wilson***

#### **Permission to Accept**

Grant Administrator Laurie Wilson requested permission to accept grant for \$60,318.15 for the Health Department from the Indiana State Department of Health, for the Indiana Local Health Department Trust Account Fund (formerly the "Tobacco Grant").

- Commissioner Murtaugh moved to grant permission to accept for the Health Department \$60,318.15 from the Indiana State Department of Health, second by Commissioner Knochel; motion carried.

### **Permission to Apply**

Grant Administrator Laurie Wilson requested permission to apply for a grant for the Local Emergency Planning Council (LEPC) in the amount of \$119,006 from the Hazardous Materials Emergency Preparedness (HMEP) grant from Indiana Department of Homeland Security. This grant will be used for HazMat training and conferences. Homeland Security supplies 80% and the other 20% is a soft match, which is the salary and time of the attendees.

- Commissioner Murtaugh moved to give permission to apply for the grant requested by the LEPC in the amount of \$119,006 for HMEP grant, second by Commissioner Knochel; motion carried.

Grant Administrator Laurie Wilson requested permission to apply for a grant in the amount of \$36,798 for the Tippecanoe Emergency Management Agency (TEMA). This is a Radio Amateur Civil Emergency Services (RACES) grant from the Indiana Department of Homeland Security and would be used for interoperable communications enhancement and coordination of communication abilities with ham radio operators.

- Commissioner Murtaugh moved to give permission to apply for the RACES grant requested by TEMA in the amount of \$36,798, second by Commissioner Knochel; motion carried.

Grant Administrator Laurie Wilson requested permission to apply for a grant in the amount of \$5,000 for the Health Department from the National Association of County and City Health Officials. This would be used for medical reserve corps training.

- Commissioner Murtaugh moved to give permission to apply for the grant requested by the Health Department in the amount of \$5,000 from the National Association of County and City Health Officials, second by Commissioner Knochel; motion carried.

### **Professional Services Agreements**

Grant Administrator Laurie Wilson presented a Conflict of Interest statement for Carole Peterson, who is a County employee. The contract is for her to provide separate educational services at conferences that are sponsored and paid for by the State at various locations throughout the Midwest. It was stated the work will not be done on County time and is paid for from a separate source of grant funds.

- Commissioner Murtaugh moved to accept the Conflict of Interest statement for Carole Peterson, second by Commissioner Knochel; motion carried.

Grant Administrator Laurie Wilson presented a WIC Professional Service Agreement for Carole Peterson as a Lactose Education Consultant.

- Commissioner Murtaugh moved to accept the WIC Professional Service Agreement for Carole Peterson as a Lactose Education Consultant, second by Commissioner Knochel; motion carried.

Grant Administrator Laurie Wilson presented a Professional Service Agreement for Shay Daley. Ms. Daley provides mediation services for the courts.

- Commissioner Murtaugh moved to approve the Professional Service Agreement with Shay Daley, second by Commissioner Knochel; motion carried.

Grant Administrator Laurie Wilson presented a Professional Services Agreement for Cynthia Phillips-Smith. Ms. Phillips-Smith provides medication services for the courts.

- Commissioner Murtaugh moved to approve the Professional Services Agreement for Cynthia Phillips-Smith, second by Commissioner Knochel; motion carried.

Grant Administrator Laurie Wilson presented a Professional Services Agreement for Vivian Leuck. Ms. Leuck provides Spanish language classes for parents going through certain divorce cases.

- Commissioner Murtaugh moved to approve the Professional Services Agreement for Vivian Leuck, second by Commissioner Knochel; motion carried.

### ***COURT SERVICES – Lisa Smith***

Lisa Smith, Drug Court Coordinator, presented a contract between Court Services and Pat Foerg for Theft Talk Workshops presented by Ms. Foerg. Ms. Smith indicated this was a revised version of an earlier contract presented to the Commissioners that has been reviewed by Attorney David Luhman. Mr. Luhman said he met with Ms. Foerg last week to discuss changes the County would like to make. She agreed to the changes and Mr. Luhman suggested she deliver the revised signed contract to the Commissioners office. Commissioner Murtaugh asked if a conflict of interest statement is on file since she is a County employee. Mr. Luhman stated because her employment has different duties in a completely separate County office and her contractual services are not under the scope of her supervisor a statement is not necessary.

- Commissioner Murtaugh moved to approve the Professional Services Agreement with Pat Foerg, second by Commissioner Knochel; motion carried.

### ***REGION 4 WORKFORCE DEVELOPMENT – Roger Feldhaus***

Executive Director of Tecumseh Area Partnership, Inc, Roger Feldhaus, representing the Region 4 Work Force board introduced board members Randy Vernon, Dennis Carson (economic development), Fred Williams (vocational rehabilitation), Ruth Hooker (senior community employment services), Chris Cohee (regional coordinator of services at WorkOne), Michael Longcor (team leader WorkOne Lafayette), and also Dennis Gidden (program participant of WorkOne) who will share his success story. Mr. Feldhaus said there are 12 counties within District 4 including Tippecanoe County. He stated that one of the biggest improvements to WorkOne is the on-the-job training for employers. Board approved funds are available for the partial reimbursement of costs and wages associated with training expenses to participating employers. Mr. Feldhaus went over the increased enrollment of courses and workshops since the previous year. He stated the number of people on unemployment has decreases by at least 4% due to the tools learned from the workshops and courses provided at WorkOne. Mr. Gidden shared his experience of using the resources and workshops at WorkOne, which helped him develop the tools to land a full time position at Volt, which is affiliated with Caterpillar, at the age of 63.

The Commissioners thanked Mr. Gidden for sharing his success story. Commissioners Byers and Murtaugh thanked Mr. Feldhaus for everyone's hard work, dedication and teamwork.

### ***APPOINTMENT TO COMMON WAGE BOARD***

- Commissioner Murtaugh moved to appoint Jean Hall as the County taxpayer representative for projects at Purdue University in West Lafayette, second by Commissioner Knochel; motion carried.

**REPORTS ON FILE**

Treasurer, Clerk of the Circuit Court, Crystal Creek Boarding Kennels, Tippecanoe County Emergency Ambulance Service, Central Mail and Duplicating, Tippecanoe Public Library, Wabash River Heritage Corridor Commission, and the Tippecanoe County Building Commission.

**UNFINISHED/NEW BUSINESS**

Commissioner Byers offered his congratulations to Shirley Mennen, Human Resources Coordinator, on the arrival of her first grandson. He also stated that he wanted to thank Kay Muse for her time as Recording Secretary. She has accepted a new position and will be leaving the County. The Commissioners wished her good luck and expressed that she would be missed.

**PUBLIC COMMENT** - None

Commissioner Murtaugh moved to adjourn.

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**

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David S. Byers, President

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Thomas P. Murtaugh, Vice President

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John L. Knochel, Member

**ATTEST:**

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Jennifer Weston, Auditor    9/6/11